

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

SAN ELIJO JOINT POWERS AUTHORITY

SAN ELIJO WATER RECLAMATION FACILITY

2695 MANCHESTER AVENUE

CARDIFF BY THE SEA, CALIFORNIA

WDID NO. 9 000000125

NONCOMPLIANCE WITH ORDER NO. 99-71)

NPDES NO. CA0107999, WASTE DISCHARGE)

REQUIREMENTS FOR THE SAN ELIJO

JOINT POWERS AUTHORITY, SAN ELIJO

WATER RECLAMATION FACILITY

DISCHARGE TO THE PACIFIC OCEAN

VIA THE SAN ELIJO OCEAN OUTFALL

REVISÉ

COMPLAINT NO. R9-2004-0068

FOR

ADMINISTRATIVE CIVIL LIABILITY

WITH

MANDATORY MINIMUM PENALTY

MAY 13, 2004

SAN ELIJO JOINT POWERS AUTHORITY IS HEREBY GIVEN NOTICE THAT:

1. The San Elijo Joint Powers Authority is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on June 10, 2004, at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, the San Elijo Joint Powers Authority will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to the San Elijo Joint Powers Authority prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. On January 19, 2000 the San Elijo Joint Powers Authority violated Order No. 99-71, *NPDES No. CA0107999, Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall*. This violation is due to an exceedance of the total suspended

May 13, 2004

solids daily maximum effluent limitation as reported in the January Monthly Monitoring Report.

5. The following facts are the basis for the alleged violations in this matter:
- a. On November 10, 1999, the Regional Board adopted Order No. 99-71 establishing waste discharge requirements for the discharge of up to 5.25 million gallons per day of treated sewage to the Pacific Ocean from the San Elijo Water Reclamation Facility.
 - b. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Total suspended solids is a Group I pollutant.

The Discharge Specification section of Order No. 99-71 states that the total suspended solids daily maximum effluent limitation is 50 mg/L. On January 19, 2000, the San Elijo Joint Powers Authority reported a total suspended solids result of 70.2 mg/L, which is 40% greater than the Discharge Specification. Therefore, this is classified as a serious violation.

PROPOSED CIVIL LIABILITY

6. Pursuant to Section 13385(h) and (i) of the Water Code a mandatory minimum penalty should be imposed on the San Elijo Joint Powers Authority in the amount of \$3,000, the amount of the mandatory minimum penalty for the above violation.

Dated this 13th day of May 2004


JOHN H. ROBERTUS
Executive Officer